

Faraci Lange

ATTORNEYS

November 15, 2022

BY ECF FILING

Hon. H. Kenneth Schroeder, Jr.
United States Magistrate Judge
United States District Court - Western District of New York
Robert H. Jackson United States Courthouse
2 Niagara Square
Buffalo, New York 14202

Re: Marcellin, et al., v. HP, Inc. et al., 21-CV-704 JLS

Dear Judge Schroeder:

I write on behalf of counsel for all parties to request entry of an Amended Scheduling Order extending discovery and other deadlines in the above matter. A proposed Amended Scheduling Order containing dates agreed upon by all counsel is being filed herewith.

This matter is a wrongful death and personal injury products liability suit involving a fire that plaintiff alleges originated in a laptop computer. Defendants have denied liability including the purported origin of the fire. The parties have exchanged extensive discovery demands and responses to those demands and are working through document discovery. The subject matter of this case is extremely technical and document discovery has required more time than originally anticipated. Additionally, the New York State Legislature this summer passed a major revision in New York's Wrongful Death Statute, which not only greatly expands the scope of damages recoverable, but also expands the individuals entitled to recover. The bill has not been signed, as the Legislature chose to wait until after the election to present it to the Governor. She may sign it in its current form, veto it, or ask for it to be modified before she signs it. This uncertainty has affected discovery in this case because as written the law applies to all pending cases.

Defendants will likely contest the retroactivity of the legislation but, regardless, the parties believe it is desirable to schedule depositions of the plaintiffs when the full scope of potentially recoverable damages would be known to eliminate the need for repeating these depositions later. Now that the election is over, we anticipate there will be some clarity on this issue very soon. The parties are confident we will

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complete discovery within the extended period requested.

Thank you in advance for your consideration of our joint request.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen G. Schwarz", written in a cursive style.

Stephen G. Schwarz
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Xc: All Counsel of Record through ECF Filing System